



IFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	E. Wendell Diller
Application No.:	10/782296
Filed:	February 19, 2004
For:	Shotgun Shell Flight Path Indicator
Group Art Unit:	3641

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: D55.2N-8173-US04

TRANSMITTAL LETTER

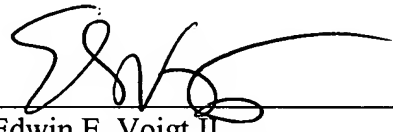
1. In regard to the above-identified application, in addition to this 2 page transmittal letter, we are submitting the attached:
4 Pg Information Disclosure Statement and 13 1449 Forms; and Postcard.
2. With respect to fees:
☒ No additional fee is required.
☐ Attached is check(s) in the amount of \$
☒ Charge additional fee to our Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the

Commissioner, please charge the additional fees to Deposit Account No. 22-0350.
Please charge any additional fees or credit overpayment associated with this
communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

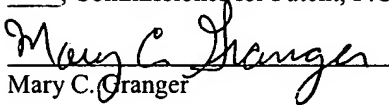
Date: June 17, 2004

By: 
Edwin E. Voigt II
Registration No.: 36042

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Minnetonka, MN 55343-9185
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Facsimile: (952) 563-3001

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Certificate Under 37 CFR 1.8: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Mail Stop _____, Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on June 17, 2004.


Mary C. Granger



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	E. Wendell Diller
Application No.:	10/782296
Filed:	February 19, 2004
For:	Shotgun Shell Flight Path Indicator
Examiner:	Not yet assigned
Group Art Unit:	3641

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: D55.2N-8173-US04

INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, **except that** U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is prior art, or is or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

 X **I.** This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- X (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

 II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- (1) a certification as specified in §1.97(e) is provided below; or
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

_____ **III. 37 C.F.R. §1.97(d).** If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- _____ (1) a certification as specified in §1.97(e) is completed below; and
_____ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

If paragraph II.1 or III is checked, also check one of the paragraphs below

_____ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

_____ This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

_____ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.

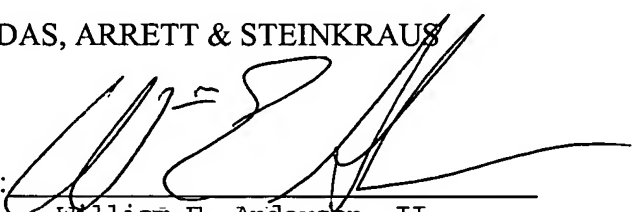
If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: June 17th, 2004

By:


William E. Anderson, II

Registration No.: 37766

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Telephone: (952) 563-3000
Facsimile: (952) 563-3001



UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY (COPIES ENCLOSED)		ATTY DOCKET NO.: D55.2N-8173-US04		APPLICATION NO. 10/782296	
		APPLICANT: E. Wendell Diller			
		FILING DATE: February 19, 2004		GROUP: 3641	
UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY					
EXAM'S INIT.		APPLICATION NO.	FILING DATE	INVENTOR(S)	
	DA				
	DB				
	DC				
	DD				
	DE				
EXAMINER				DATE CONSIDERED	
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

US APPLICATIONS RELATED BY PRIORITY (COPIES NOT ENCLOSED)		ATTY DOCKET NO.: D55.2N-8173-US04		APPLICATION NO. 10/782296		
		APPLICANT: E. Wendell Diller				
		FILING DATE: February 19, 2004		GROUP: 3641		
US APPLICATIONS REALTED BY PRIORITY						
EXAM'S INIT		APPLICATION NO.	FILING DATE	PATENT NO.	INVENTOR(S)	FORM 1449/892 ENC
	EA	10/279263	3/4/2003	6694887	E. Wendell Diller	YES
	EB	10/219024	8/15/2002	6539873	E. Wendell Diller	YES
	EC	09/592475	6/9/2000		E. Wendell Diller	YES
	ED					
	EE					
	EF					
EXAMINER				DATE CONSIDERED		
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.						



LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				ATTY DOCKET NO.: D55.2Q-11027-US		APPLICATION NO.: 10/379263	
				APPLICANT: Not Assigned			
				FILING DATE: March 4, 2003		GROUP: Not Assigned	
REFERENCE DESIGNATION				U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS			
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	5272827	12/93	Vang et al.	42/79		
	AB	5355765	10/94	Rogers	89.14.4		
	AC	4546564	10/25/85	A'Costa	42/76		
	AD	6223458	5/1/01	Schwinkendorkf et al.	42/1.06		
	AE	5587549	12/24/96	Clouse	89/14.3		
	AF	5844162	12/1/98	Renner	89/14.3		
	AG	4722261	2/2/88	Titus	89/7		
	AH	6065384	5/23/00	Widder et al.	89/14.05		
	AI	1380171	5/31/21	Abbot			
	AJ	2916970	2/10/56	Mutter	12/15/59		
	AK	1605741	11/2/26	Jones	3/19/26		
	AL	1628896	5/17/27	Medearis			
	AM	618901	2/7/1899	Peterson et al.			
	AN	2842024	7/8/58	Mutter			
	AO	2512850	6/27/50	Crandall			
	AP	2742821	4/56	Sweetman	42/76.01		
	AQ	1864916	5/8/30	Gachassin-Lafite			
	AR	5299502	4/5/94	Maki	102/457		
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY			
	BA	1474070	1/25/66	FR			
OTHER ART (Including Author, Title, Date, Pertinent Pages, Ect.)							
	CA		Ryan, Guns, Mortars & Rockets, 1982, Brassey Publishers Limited, pp. 47, 48 and 125.				
	CB		Smith, Small Arms & Cannons, 1982, Brassey Publishers Limited, pp. 25 and 101.				
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

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UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY (COPIES ENCLOSED)		ATTY DOCKET NO.: D55.2Q-11027-US		APPLICATION NO. 10/379263	
		APPLICANT: Not Assigned			
		FILING DATE: March 4, 2003		GROUP: Not Assigned	
UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY					
EXAM'S INIT.		APPLICATION NO.	FILING DATE	INVENTOR(S)	
	DA	09/923272	8/3/01	Diller	
	DB				
	DC				
	DD				
	DE				
EXAMINER				DATE CONSIDERED	
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

US APPLICATIONS RELATED BY PRIORITY (COPIES NOT ENCLOSED)		ATTY DOCKET NO.: D55.2Q-11027-US		APPLICATION NO. 10/379263		
		APPLICANT: Not Assigned				
		FILING DATE: March 4, 2003		GROUP: Not Assigned		
US APPLICATIONS REALTED BY PRIORITY						
EXAM'S INIT		APPLICATION NO.	FILING DATE	PATENT NO.	INVENTOR(S)	FORM 1449/892 ENC
	EA	10/219024	8/15/2002			yes
	EB	09/592475	6/9/00			yes
	EC					
	ED					
	EE					
	EF					
EXAMINER				DATE CONSIDERED		
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.						



Notice of References Cited

Application/Control No.

09/592,475

Applicant(s)/Patent Under
Reexamination
DILLER, E. WENDELL

Examiner

Kimberly S. Smith

Art Unit

3644

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number		Date MM-YYYY	Name	Classification	
		Country	Code-Number-Kind Code				
	A	US-5,450,795		09-1995	Adelman	102	444
	B	US-4,841,866		06-1989	Miesner	102	458
	C	US-4,553,481		11-1985	Ricci	102	458
	D	US-4,080,899		03-1978	Luban	102	42 R
	E	US-3,405,638		10-1968	Stoner, Jr.	102	87
	F	US-					
	G	US-					
	H	US-					
	I	US-					
	J	US-					
	K	US-					
	L	US-					
	M	US-					

FOREIGN PATENT DOCUMENTS

*		Document Number		Date MM-YYYY	Country	Name	Classification	
		Country	Code-Number-Kind Code					
	N	WO 94/23264		10-1994	WIPO	Ganev	F42B	7/08
	O							
	P							
	Q							
	R							
	S							
	T							

NON-PATENT DOCUMENTS

		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)	
*			
	U		
	V		
	W		
	X		

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited

Application/Control No.

09/592,475

Applicant(s)/Patent Under
Reexamination
DILLER, E. WENDELL

Examiner

Kimberly S. Smith

Art Unit

3644

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-4,167,904	09-1979	Ferri	102/42 C
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

FORM PTO-1449 (Modified)

ATTY DOCKET NO.: D55.2-8173

Application No.: 09/592475

LIST OF PATENTS AND PUBLICATIONS

FOR APPLICANT'S

APPLICANT: E. Wendell Diller

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary) FILING DATE: June 9, 2000

GROUP: NA

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	3760735	9/25/73	Schmitt	102	87	
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BA							
	BB							
	BC							
	BD							
	BE							

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	CA		
	CB		
	CC		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Modified Form 1449 US APPLICATIONS RELATED BY PRIORITY (COPIES NOT ENCLOSED)		ATTY DOCKET NO.: D55.2-1720		APPLICATION NO. Not Yet Assigned	
		APPLICANT: E. Wendell Diller		GROUP:	
		FILING DATE: Concurrently Herewith			
US APPLICATIONS RELATED BY PRIORITY					
EXAM'S INIT	APPLICATION NO.	FILING DATE	PATENT NO.	INVENTOR(S)	FORM 1449/892 ENC
EA	09/592,475	6/9/2002		E. Wendell Diller	X
EB					
EC					
ED					
EE					
EF					
EXAMINER			DATE CONSIDERED		
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.

1 of 1